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KATHLEEN F. VOLNEY

October 5, 2007

**VIA FACSIMILE (914) 390-4085**

Hon. Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 275  
White Plains, New York 10601

Re: Olivia Ratto v. R.I. Suresky & Son, Inc.  
Civil Case No.: 07 Civ. 2604 (CLB) (GAY)  
Our File No.: 44.6116

Dear Judge Brieant:

The undersigned represents defendant R.I. Suresky & Son, Inc. in the above-referenced matter, which is an employment discrimination matter that was conferenced before the Court on June 22, 2007.

At the judicial conference, the Court set a number of discovery deadlines, including that all Rule 26 mandatory disclosure be exchanged by the end of June, interrogatories and discovery demands to be exchanged by July 15, 2007 (with all written responses to be provided within 30 days thereafter), depositions to be completed by October 15, 2007 and all disclosure complete by November 1, 2007.

Defendant served Rule 26 disclosures prior to the end of June 2007, and discovery demands, including interrogatories and request for documents, by mid-July. Plaintiff's Rule 26 disclosures were not received by this office until mid-August, 2007. Defendant has made good faith efforts to obtain plaintiff's responses to the outstanding discovery demands. As of the date of this letter, plaintiff has not responded to defendant's discovery demands.

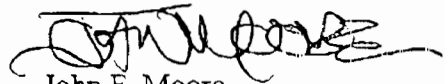
Under the circumstances, it would be impossible to complete depositions before October 15, 2007, as plaintiff has not responded to discovery demands nor provided any of the requested documents or authorizations for disclosure of records.

The undersigned respectfully requests that a judicial conference (or phone conference) be scheduled with the Court to discuss these outstanding discovery issues.

Thank you for your kind consideration to this request.

Respectfully yours,

RYAN & SMALLACOME, PLLC



John F. Moore

JFM/jar

cc: Evan M. Foulke, Esq. (via facsimile 845-294-4309)

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October 9, 2007

**VIA FACSIMILE TO 914-390-4085**

The Honorable Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

**RE: Walsh v. Vital**  
**07 CV 7390 (CLB) (GAY)**

**REMO ENDORSED**

*Conf. adjourned to  
11-30-07 at 9:00  
for Dracena  
Oct 9, 2007*

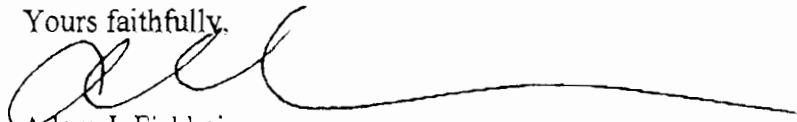
*Charles L. Brieant  
USDS*

Dear Judge Brieant:

I represent the plaintiff in the above referenced matter and request an adjournment of the conference scheduled for October 9, 2007. I sent a waiver of service to the defendant on August 24, 2007 which has not been returned. Since my leaving a message with the case manager, I was contacted by David G. Tobias, Esq. who expects to be retained by the defendant and has given his consent to request to adjourn the conference. We jointly propose November 16 or November 30, 2007 for the conference. He also stated that if retained, he will accept service.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

  
Adam J. Fishbein

cc: David G. Tobias, Esq. (via facsimile to 212-661-6100)

*557-9610*